

R E M A R K S

By this Amendment the specification has been further amended to correct certain typographical/grammatical errors, and new claims 10 and 11 have been added to define a further feature of the inventive listening device (see specification at page 5, lines 2-4). Entry is requested.

In the outstanding Office Action the examiner has rejected claims 1, 8 and 9 under 35 U.S.C. 102(b) as being anticipated by Krokstad et al.

This rejection is totally without merit. Krokstad et al. disclose a programmable hybrid hearing aid with digital processing which can include two microphones (M1, M2), and a feedback signal may be suppressed by phasing out before the digital signal processing, while the digital signal processing also includes cancellation of the feedback signal in case of high gain. A number of response functions are stored in a memory (RAM 2) in a control unit and is freely chosen by the user in adaptation to hearing function and acoustic environment. The user teaches a pressure or touch keypad SW on the outside of the main section 1 of the hearing aid (column 12, lines 46-61). .

Thus, Krokstad et al. do not disclose a step of "analyzing ... signals from ... first and second microphones to detect when the casing is being touched" (step (a) of claim 1, emphasis added), or an "analyzing means for analyzing ... signals from ... microphones in order to detect when the hearing aid is touched" (see applicant's claim 8). The examiner's comment with respect to applicant's claim 1 that "there has to be some

kind of analytical link [in Krokstad et al.] between the microphone signals and the casing being touched" (Office Action at page 3, lines 9-11), being conjecture, is inappropriate with respect to a rejection based on anticipation (35 U.S.C. 102(b)) and not even true, and the examiner's comment with respect to applicant's claim 8 that "(c)laim 8 has been analyzed and rejected according to claim 1" (Office Action at page 3, line 15) is completely insufficient insofar as he has not explained how Krokstad et al. disclose an "analyzing means for analyzing the signals from the microphones in order to detect when the hearing aid is touched."

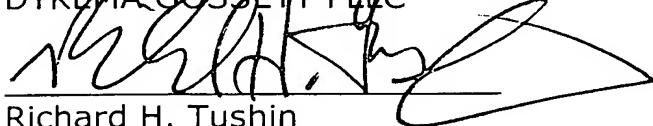
The examiner's rejection based on Krokstad et al. is both insufficient and incorrect!

The examiner has rejected claims 2-5 and 7 under 35 U.S.C. 103(a) as being unpatentable over Krokstad et al. in view of Arcos et al., and claim 6 under 35 U.S.C. 103(a) as being unpatentable over Krokstad et al. in view of Arcos et al. and LeBel.

However, neither of Arcos et al. or LeBel can be relied upon to overcome the basic deficiencies in the examiner's rejection based on Krokstad et al.

The examiner's rejections should be withdrawn and all the presented claims allowed.

Respectfully submitted,

By: 
DYKEMA GOSETT PLLC
Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8680